

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for Termination of  
Probation by:

PATRICIA McKEON, Ph.D.,  
Pacific Grove, California 93950

Psychologist License No. PSY 10152

Petitioner.

Case No. 1F 2009 197818

OAH No. 2009081072

**DECISION**

A quorum of the Board of Psychology (Board), comprised of James L. McGhee, President; Richard Sherman, Ph.D., Vice President; Emil R. Rodolfa, Ph.D.; Lucille Acquaye-Baddoo, Public Member; and Celinda Vazquez, Public Member, heard this matter in Sacramento, California, on September 10, 2009. Administrative Law Judge Karen J. Brandt, Office of Administrative Hearings, State of California, presided.

W. David Corrick, Deputy Attorney General, represented the People of the State of California pursuant to Government Code section 11522.

Patricia McKeon, Ph.D., (petitioner) appeared on her own behalf.

The matter was submitted on September 10, 2009.

**FACTUAL FINDINGS**

1. On July 16, 1987, the Board issued Psychologist License No. PSY 10152 to petitioner.
2. On April 29, 2004, the Executive Officer of the Board issued an Accusation against petitioner in Case No. W276, which alleged that: (1) in 2001 and 2002, petitioner performed and was paid for neuropsychological testing of a 15-year old student, but failed to issue a written report; and (2) petitioner failed to respond to numerous telephone calls from the student's parents, written and telephonic inquiries from the Board, and a Board citation relating to the student. The Accusation noted that the Board, on March 18, 2003, had issued

a citation against petitioner for failing to provide a timely written neuropsychological evaluation report to another client.

3. On May 31, 2005, petitioner entered into a Stipulated Settlement and Disciplinary Order (Stipulated Settlement), pursuant to which, petitioner admitted the truth of the allegations set forth in the Accusation and agreed that her license would be revoked, but that the revocation would be stayed and she would be placed on probation for a period of five years, subject to various terms and conditions, including: (1) a psychological evaluation; (2) a practice monitor; (3) notification to employer; (4) payment of restitution; (5) payment of an administrative fine; (6) coursework; (7) an ethics course; (8) payment of investigation/enforcement and probation costs; (9) quarterly reports; and (10) probation compliance. On August 2, 2005, the Board adopted the Stipulated Settlement as its Decision and Order, effective September 1, 2005.

4. Petitioner's probation is currently scheduled to terminate on August 31, 2010. By her petition, petitioner asks the Board to terminate her probation approximately one year early.

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5. Petitioner has complied with all the terms and conditions of her probation:

- a. On November 7, 2005, petitioner met with C. Mark Patterson, Ph.D., for a psychological evaluation. In his report, issued on November 30, 2005, Dr. Patterson found that "there is no evidence that [petitioner] has a mental illness. There is also no evidence that she is unable currently to practice psychology in a safe manner." He found that petitioner "expressed remorse for any adverse impact she may have caused her clients by not following through with her obligations in a timely manner." Petitioner also expressed "personal responsibility for her behavior" and "did not deny any of the allegations." Petitioner appeared to be "strongly motivated to make changes in her practice." Dr. Patterson opined that petitioner did not require therapy. He recommended oversight of petitioner's practice by a practice monitor on a weekly basis for one year.
- b. The Board approved two licensed psychologists – Dr. Daniel Chatel and Dr. Cheryl Bowers – to serve as petitioner's practice monitors.
- c. On November 30, 2005, petitioner paid the restitution and administrative fine ordered in the Stipulated Settlement.
- d. Petitioner completed the required continuing education in law, ethics, and recordkeeping.
- e. On October 15, 2005, petitioner completed the additional required ethics course.



- f. On August 9, 2006, petitioner paid in full the required cost recovery of \$3,801.50.
- g. Petitioner paid in full all probation monitoring fees.
- h. Petitioner filed all required quarterly reports.

6. At the time when petitioner failed to provide the evaluation reports that were the subjects of the citations and Accusation, she was the director of a mental health clinic for the Veterans' Administration (VA), and she was a single mother with full responsibility for a middle-school-aged son with learning challenges, a mother with dementia, and a father with significant health issues. At hearing, petitioner recognized that she had taken on more responsibility than she could effectively handle alone during this very stressful time period. Her father has since died, her mother is in a nursing home, and her son has matured and overcome some of his learning challenges. Petitioner resigned from the VA.

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7. Petitioner now works part-time in private practice. Because of her probationary status, she cannot be a Medicare provider or become a member of a TriCare panel. She is seeking early termination of her probation so that she may work with both elderly patients with possible dementia and competency issues, who are covered by Medicare, and veterans returning from war with traumatic stress issues, who are covered by TriCare insurance. She would also like to pursue employment with the California Department of Corrections, which had expressed interest in employing her, but has been unable to do so because of her probationary status.

8. Petitioner has worked well with her practice monitors. Dr. Chatel monitored petitioner for 18 months, from November 2005 to June 2007. Dr. Chatel completed a Monitor Information Sheet dated November 15, 2008. In it, Dr. Chatel stated that he and petitioner generally met weekly for one hour. His review of her charts showed that she was complying with all the requirements of the American Psychological Association, California Psychological Association, and the Board, particularly in the areas of completeness, communication of results, and timeliness of distribution. According to Dr. Chatel, petitioner "met/exceeded all documentation standards." He has "every reason to believe that she will continue to meet all professional obligations re documentation in the future." Dr. Chatel found that petitioner "has always acknowledged and accepted full personal responsibility for the violations that led to probation." He believes that "early termination of her probationary period is fully justified."

9. Dr. Bowers also completed a Monitor Information Sheet. She began monitoring petitioner on June 7, 2007. She generally meets weekly with petitioner and reviews all her charts. Petitioner has "met or exceeded all record keeping and time expectation standards throughout the 18 months of practice monitoring." According to Dr. Bowers, "[t]here is every reason to believe [petitioner] will continue to meet all professional obligations and standards in the future." For the entire time Dr. Bowers has acted as petitioner's practice monitor, petitioner "has accepted and acknowledged full responsibility

for the behaviors that led to being discipline.” Dr. Bowers believes that “termination of probation to be set at an earlier date than originally scheduled is fully warranted.”

10. Petitioner submitted positive written recommendations from Marc Johnson, M.D., M.P.H., and Susan Alexander Myers, L.L.M. Dr. Johnson described petitioner’s extensive experience working with veterans with neuropsychological disorders and acute psychological stress. He believes that there is a significant unfilled need for psychology practitioners with petitioner’s expertise and skills.

11. Petitioner has evaluated elderly patients for Ms. Myers, a private practice attorney. In her letter of recommendation, Ms. Myers noted petitioner’s “exceptional skill,” “wealth of experience,” and knowledge of California conservatorship law. Ms. Myers described petitioner as “one of the most talented medical professionals I have had the pleasure of working with in my elder law practice.”

12. At hearing, petitioner accepted responsibility for her past wrongdoing. She demonstrated significant insight into the factors that led to her misconduct. With the assistance of her practice monitors, she has developed work policies and procedures to address those factors and prevent future misconduct. She has also developed a support group to whom she can turn for help in coping with her life stressors. When all the evidence is weighed and balanced, it would not be contrary to the public interest, safety and welfare to terminate petitioner’s probation at this time.

## LEGAL CONCLUSIONS

1. Pursuant to California Code of Regulations, title 16, section 1395, the Board evaluates the following criteria when reviewing a petition for penalty relief:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under section 480 of the Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.



2. Petitioner has fully complied with the terms and conditions of her probation. At hearing, she accepted responsibility for her past wrongdoing and demonstrated significant insight into the reasons for her misconduct. She has put in place work policies and procedures to help forestall future misconduct. When the factors set forth in California Code of Regulations, title 16, section 1395 are considered, it would not be contrary to the public interest, safety and welfare to grant petitioner's request to terminate her probation early. The Board encourages petitioner to continue to seek regular peer consultations to assist her in complying with all applicable work timelines. The Board also encourages petitioner to continue to reach out to her support network to help her manage her life stressors.

#### ORDER

The petition of Patricia McKeon, Ph.D., for termination of probation is hereby GRANTED.

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DATED: \_\_\_\_\_

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James L. McGhee  
President  
Board of Psychology

**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition for Termination )  
of Probation by: )

Patricia McKeon, Ph.D. )  
667 Lighthouse Avenue )  
Pacific Grove, California )

Respondent )  
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**DECISION AND ORDER**

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The attached Proposed Decision and Order is hereby adopted by the Board of Psychology, State of California, as its Decision in the above entitled matter.

This Decision shall become effective on October 6, 2009.

It is so ORDERED October 6, 2009.

  
JAMES L. MCGHEE  
PRESIDENT, BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA